

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Bobby T. Sheppard,	:	Death Penalty Case
	:	
Petitioner,	:	Case No. 1:00cv493
	:	
-vs-	:	Judge Walter Herbert Rice
	:	
Margaret Bagley, Warden,	:	Magistrate Judge Merz
	:	
Respondent.	:	

**JOINT MOTION TO EXPAND THE RECORD TO INCLUDE TRANSCRIPT OF
STATE COURT PROCEEDING FROM OCTOBER 6, 1995**

The parties hereby jointly move to expand the record previously filed by Respondent in this case so as to include a trial court transcript for a hearing before the trial court on October 6, 1995. (*See Exhibit A*). This case has been fully briefed on the merits. The Court, however, recently brought to the parties' attention that the transcript from the State of Ohio trial court hearing of October 6, 1995, although cited by Petitioner in his traverse, is not actually in the record. The transcript relates to a motion for a new trial regarding the issue of jury misconduct and, therefore, includes a trial court proceeding, ruling and rationale at the heart of this case. Because the transcript is relevant to the determination of this capital habeas corpus action, this motion should be granted.

Respectfully submitted,

s/Geoffrey J. Moul

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